

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2672

Chapter 173, Laws of 2002

57th Legislature
2002 Regular Session

HIGH RISK OFFENDERS--TREATMENT PROVIDERS' LIABILITY

EFFECTIVE DATE: 6/13/02

Passed by the House March 11, 2002
Yeas 96 Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 2, 2002
Yeas 45 Nays 3

BRAD OWEN
President of the Senate

Approved March 27, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2672** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

March 27, 2002 - 8:53 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 2672

AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By Representatives Kirby, O'Brien, Ballasiotes, Morell, Darneille,
Lovick and Kagi

Read first time 01/23/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to limiting the liability of providers of treatment
2 to high risk offenders; and adding a new section to chapter 71.24 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24 RCW
5 to read as follows:

6 (1) A licensed service provider or regional support network, acting
7 in the course of the provider's or network's duties under this chapter,
8 is not liable for civil damages resulting from the injury or death of
9 another caused by a dangerous mentally ill offender who is a client of
10 the provider or network, unless the act or omission of the provider or
11 network constitutes:

12 (a) Gross negligence;

13 (b) Willful or wanton misconduct; or

14 (c) A breach of the duty to warn of and protect from a client's
15 threatened violent behavior if the client has communicated a serious
16 threat of physical violence against a reasonably ascertainable victim
17 or victims.

18 (2) In addition to any other requirements to report violations, the
19 licensed service provider and regional support network shall report an

1 offender's expressions of intent to harm or other predatory behavior,
2 regardless of whether there is an ascertainable victim, in progress
3 reports and other established processes that enable courts and
4 supervising entities to assess and address the progress and
5 appropriateness of treatment.

6 (3) A licensed service provider's or regional support network's
7 mere act of treating a dangerous mentally ill offender is not
8 negligence. Nothing in this subsection alters the licensed service
9 provider's or regional support network's normal duty of care with
10 regard to the client.

11 (4) The limited liability provided by this section applies only to
12 the conduct of licensed service providers and regional support networks
13 and does not apply to conduct of the state.

14 (5) For purposes of this section, "dangerous mentally ill offender"
15 means a person who has been identified under RCW 72.09.370 as an
16 offender who: (a) Is reasonably believed to be dangerous to himself or
17 herself or others; and (b) has a mental disorder.

Passed the House March 11, 2002.

Passed the Senate March 2, 2002.

Approved by the Governor March 27, 2002.

Filed in Office of Secretary of State March 27, 2002.